



UNITED STATES DEPARTMENT OF COMMERCE
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07/23/92 02/09/92 HUNTER FIRST NAMED INVENTOR A ETH5782 DOCKET NO

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RAIMUND, C EXAMINER

1/10/92 PAPER NUMBER

11/02/92

DATE MAILED:

This is a communication from the examiner in charge of your application
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on August 6, 1992 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449. 4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474. 6. _____

Part II SUMMARY OF ACTION

1. Claims 1 - 24 are pending in the application.
Of the above, claims 1 - 20 are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 21 - 24 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings
are acceptable; not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the
examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received
 been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

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Art Unit 1504

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 and 23 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Doddi et al.

Doddi et al disclose a surgical suture comprising filaments of two different polymers in a braided configuration (column 9, lines 47-56). The suture is specifically disclosed attached to a needle (column 11, lines 53-54). Claims 21 and 23 are therefore unpatentable over Doddi et al.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit 1504

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 22 and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Kaplan et al taken with Doddi et al.

Kaplan et al discloses a ligament prosthesis comprising a core component and a braided sheath component (see Figure 3). The core component is "made up of one or more biocompatible, essentially non-bioabsorbable..." filaments (column 9, lines 1-3). The sheath yarn component may be fabricated "from individual filaments having more than two different chemical compositions, one or more of which optionally being nonbioabsorbable" (column 9, lines 25-28).

Doddi et al disclose suitable biocompatible, non-absorbable fibers to include PET and PTFE (column 9, lines 51-53). It would have been obvious to form the device of Kaplan with a sheath component of PTFE and PET and a core component of PET. PTFE is known to impart improved knot run down properties to sutures (see Block U.S. Patent No. 3,527,650). PET is noted for its low cost

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Art Unit 1504

and high strength. Claims 22 and 24 are therefore unpatentable over Kaplan et al taken with Doddi et al.

Applicant's arguments with respect to claims 21-24 have been considered but are deemed to be moot in view of the new grounds of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Chris Raimund at telephone number (703) 308-3452.



Chris Raimund:jp
October 29, 1992



GEORGE F. LESMES
SUPERVISORY PATENT EXAMINER
GROUP 150